

Feds aren't celebrating this jumping frog

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WASHINGTON — The Fish and Wildlife Service wants to dramatically scale back the California red-legged frog's official home, designating 737,912 acres as critical habitat.

While spanning 23 California counties, the plan unveiled Thursday is a long way from the 4.1 million acres originally proposed. Ranchers would be partially exempt from the environmental law that's protecting the threatened frog.

The largest native frog in the western United States, the red-legged amphibian is credited with inspiring Mark Twain's classic story "The Celebrated Jumping Frog of Calaveras County."

The latest proposal includes portions of Butte, Calaveras, El Dorado, Kern, Merced, Nevada, Stanislaus and Yuba counties as critical habitat for the frog. Critical habitat is not a refuge or preserve. Instead, it kicks in if a federal action — such as issuing a permit — threatens to destroy or harm the habitat. At that point, the Fish and Wildlife Service gets a say.

"The Fish and Wildlife Service has finally gotten it right," Rep. Dennis Cardoza, D-Merced, said. "It just took them two years to do it."

'More precise mapping'

Officials shrunk the acreage because of a "more precise mapping" of the habitat frogs really need, the agency explained. Previously, officials folded entire watersheds into the protected zone. Some Forest Service land was excluded, on the theory that it's already well protected.

All this cut out portions of Plumas, Fresno, San Joaquin, Mariposa and Tuolumne counties that were proposed as critical habitat last year. The protected Merced County acreage shrunk markedly.

"I think they're going in the right direction," said Rep. Richard Pombo, R-Tracy, chairman of the House Resources Committee, "because if you are going to try to protect critical habitat, you want it to mean something."

Even with the smaller acreage, though, the frog's protections won't be cheap. The Fish and Wildlife Service's new economic analysis estimates the frog's critical habitat will cost \$326 million to \$498 million by 2025. Developers will shoulder most of this, in the form of potential income forfeited due to lost building opportunities.

Robert Stack, a scientist who heads the Jumping Frog Research Institute in Twain Harte, said the 159-page proposal needs careful analysis.

At the same time, he denounced what he termed the "constant corruption and politicization of science"

in the Bush administration, which he said has brought constant litigation and delay.

Cardoza and Pombo are lead authors of an Endangered Species Act rewrite the House passed last month. Among other changes, the legislation eliminates the critical habitat program and replaces it with narrowly focused protections. It also would reimburse property owners for diminished property values.

Pombo's Senate counterpart, moderate-to-liberal Sen. Lincoln Chafee, R-R.I., has not authored a similar bill. Chafee is awaiting the results of several discussion sessions that started Thursday under the direction of the Denver-based Keystone Center.

The nonpartisan center's work, expected to be completed by February, includes about two dozen participants from across the political spectrum.

Senate plan may differ

If the ideologically balanced panel succeeds, it's likely to come up with a plan different from what the House passed on a 229-193 margin. In a sign of the issue's divisiveness, an alternative pushed by many Democrats and moderate Republicans fell 11 votes short.

Shrinking the critical habitat could invite controversy during the 90-day public comment period. The Fish and Wildlife Service also will face questions over exempting run-of-the-mill ranching operations from Endangered Species Act requirements.

"We have always pushed the Fish and Wildlife Service to adopt a vision that sees the family rancher as the key to the survival and recovery of Twain's celebrated jumping frog," Stack said, in offering tentative support for the rancher exemption.

On the Net: A copy of the proposed rule and other information about the California red-legged frog is available www.fws.gov/sacramento.

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